

REMARKS

Claims 27-101 are pending in this application. Claims 1-26 have been withdrawn from consideration and are hereby cancelled pending the possible filing of a divisional application. Claim 32 is amended and claims 75-101 are added herein. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

Claim 32 was objected to because of a typographical error. This error has been corrected.

All of the claims were rejected under 35 U.S.C. §102(e) as being anticipated under Hsu, *et al.* (U.S. Patent No. 6,677,239). Applicant's attorney respectfully disagrees. It is well settled that a reference must teach every element of the claim if the reference is to be used to reject a claim under 35 U.S.C. §102(e). That simply is not the case with the Hsu, *et al.* reference.

More specifically, each of the original independent claims 27, 45 and 54 require that *both* a water soluble ionizable polyelectrolyte *and* "a plurality of abrasive particles" be uniformly disposed in the "friction erodible binder material" as is illustrated in Figure 4 of the present invention. Hsu, *et al.* does teach that abrasive particles may be "held in a containment or binder media" (col. 11, lines 8-11) and further states at col. 11, lines 62-66 that "a composition [polishing] containing one or more surfactants is *delivered* to the polishing media at step 320." However, this is not the same as the claims of the present invention. It should be noted that Hsu, *et al.* makes a clear distinction between the polishing media or material 252, which contains the abrasive particles in a binder media, and the polishing composition, which is delivered as a liquid. Thus, a dispersant or surfactant (polishing composition) in the Hsu, *et al.* process is "supplied to the abrasive sheet polishing media at a *flow rate* between about 5 ml/min and about 500 ml/min *from a storage medium* disposed in or near the system 100" (col. 12, lines 4 and 5). Therefore, it is clear that the surfactants that may include polyacrylic, etc., are delivered to the

substrate and abrasive sheet, but are not uniformly dispensed in the friction erodible binder material as part of the polishing layer as is required by each of the independent claims of the present invention.

Although it is submitted that the independent claims 27, 45 and 54 as originally presented clearly define over the Hsu, *et al.* reference for the reasons discussed above, new claims 75-101 are provided to assure full and complete coverage of the invention.

It is further submitted that the claims in the application also patentably define over the Hsu, *et al.* reference and all other references of record when evaluated with respect to 35 U.S.C. §103(a).

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone James C. Kesterson, Applicant's attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

23 June 2004
Date

James C. Kesterson
James C. Kesterson
Attorney for Applicant
Reg. No. 25,882

Slater & Matsil, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, Texas 75252-5793
Tel. 972-732-1001
Fax: 972-732-9218